

Social Media

Maine Law (26 MRSA c. 7, sub-c. 1-C)

MAINE
DEPARTMENT OF
LABOR

Bureau of Labor Standards

Labor laws of the State of Maine provide protection for people who work in Maine. The Maine Department of Labor administers the laws, which all employers must follow. Department representatives inspect workplaces to ensure compliance.

Bureau of Labor Standards citations and penalties may be issued to employers who do not comply. This poster describes some important details of the law. A copy of the actual law or formal interpretations may be obtained from the bureau by calling 207-623-7900 or on the bureau's website www.maine.gov/labor/bls.



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Effective as of October 15, 2015

Employers in Maine will be restricted in their ability to access the personal social media or email accounts (non-public information) of employees and applicants. Specifically, an employer may not:

- Require, coerce or request that an employee or applicant disclose the password of a private social media account;
- Require, coerce or request that an employee or applicant access a personal social media account in the employer's presence;
- Require or coerce an employee or applicant to disclose any personal social media account information;
- Require or cause an employee or applicant to add anyone to the employee's or applicant's list of contacts associated with a personal social media account; and
- Require, cause or request that an employee alter any personal social media account settings that affect a third party's ability to view the contents of the account.

Employers may not terminate, discipline or otherwise take adverse action against an employee or applicant, due to the employee's or applicant's refusal to cooperate with any prohibited request or demand.

The above described prohibitions:

- Do not apply to social media accounts that are opened at an employer's behest, provided by an employer or intended to be used primarily on behalf of the employer;
- Do not apply to publicly available information;
- Do not prohibit or restrict an employer from complying with a duty – under federal or state law or imposed by a self-regulatory organization, as defined in the Securities and Exchange Act of 1934 – to screen prospective or current employees or to monitor or retain employee communications;

- Do not apply when disclosure of personal social media account information is reasonably believed to be relevant to an investigation of alleged employee misconduct or a workplace-related violation of applicable laws, rules or regulations; and
- The employer has the right to establish policies governing the use of the employer's electronic equipment, including a requirement that an employee disclose to the employer the employee's user name, password or other information necessary to access employer-issued electronic devices or employer-provided software or e-mail accounts.

FINES: The law provides that fines will be not less than \$100 for the first violation, not less than \$250 for the second violation and not less than \$500 for each subsequent violation.

For more information, contact:

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Bureau of Labor Standards
45 State House Station
Augusta, Maine 04333-0045

Telephone: 207-623-7900

TTY users call Maine Relay 711.

Web site: www.maine.gov/labor/bls

Email: mdl@maine.gov

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or visit our website at www.maine.gov/labor/bls